

<b>PAUL N. JEON,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>Civil Action No. 1:02-cv-02519 (RMC)</b>
	)	
<b>CRAFTMARK HOMES, INC.,</b>	)	
	)	
<b>Defendant.</b>	)	
	)	

This matter comes before the Court on the motion to dismiss, for summary judgment, or to transfer filed by defendant Craftmark Homes, Inc. ("Craftmark"). Plaintiff Paul N. Jeon was interested in purchasing a home built by Craftmark at the Evans Farm housing development in McLean, Virginia. He alleges that he visited Craftmark's model home on May 14, 2002, but was treated in a rude, outrageous and discriminatory manner in violation of the Fair Housing Act, 42 U.S.C. § 3601, *et seq.*, because of his Asian descent and Asian features. Craftmark is a Virginia corporation with its principal place of business in McLean, Virginia. Mr. Jeon was a resident of Washington, D.C., when the suit was filed although he has since moved to the State of Maryland. Mr. Jeon filed suit in the Superior Court of the District of Columbia and Craftmark removed it to this Court based on diversity of citizenship. Craftmark has now moved to dismiss, for summary judgment, or to transfer to the United States District Court for the Eastern District of Virginia. Mr. Jeon opposes Craftmark's motion but also states that he would prefer to have the case transferred and not dismissed. Memorandum in Opposition, at 9.

Craftmark argues that venue lies in the Eastern District of Virginia because that is the location where it does business and where all of the actions occurred that are alleged to have violated Mr. Jeon's rights. It also argues that other legal entities, some related and some not related to Craftmark, operated the sales office where Mr. Jeon alleges he received ill treatment, that these entities are Virginia corporations, and that they would not be subject to this Court's jurisdiction. Apparently, Craftmark is the managing partner of two related corporations, Evans Farm Associates, LLC, and Evans Farm Condominium Associates, LLC. Craftmark asserts that those corporations contracted with BuilderStaffingSolutions.Com, an unrelated corporation that provides attendants for model homes. The individual who interacted with Mr. Jeon is alleged to be an employee of BuilderStaffingSolutions.Com and not Craftmark or any of its related companies. This individual is also a Virginia resident.

Mr. Jeon responds that he was induced to go to Virginia to visit the Evans Farm model home because he had seen a Craftmark advertisement in *The Washington Times*, which he alleges is sufficient for venue in the District of Columbia. Craftmark replies that it has not advertised in *The Washington Times* in the period since January 1, 2001, and that it has never advertised Evans Farms in that newspaper.

"For the convenience of parties and witnesses, in the interest of justice, a district court may transfer any civil action to any other district or division where it might have been brought." 28 U.S.C. § 1404(a). The model home and Evans Farm sales office are located in the Eastern District of Virginia. The activities of the sales agent that form the basis for this suit occurred at Evans Farm's model home in Virginia and the sales agent is a Virginia resident. Craftmark is a Virginia corporation and asserts that it does not do business in the District of Columbia; specifically, it asserts that Mr. Jeon's recollection of an advertisement in *The Washington Times* is incorrect. In addition,

Evans Farm Associates LLC, Evans Farm Condominium Associates, LLC, and BuilderStaffingSolutions.Com not subject to the jurisdiction of this Court.

While a plaintiff's choice of forum is entitled to deference, in this case Mr. Jeon is no longer a resident of the District of Columbia, all operative events occurred in the Eastern District of Virginia, and certain parties who may be necessary parties are not subject to the jurisdiction of this Court but are within the jurisdiction of the United States District Court for the Eastern District of Virginia. As a matter of the Court's discretion, it is in the interests of justice for this action to be transferred to the Eastern District of Virginia.

For these reasons, it is this 21st day of February, 2003 hereby

**ORDERED** that the Defendant's motion to transfer is **GRANTED**; its motions to dismiss or for summary judgment are **DENIED**; and this action is transferred to the United States District Court for the Eastern District of Virginia.

**SO ORDERED.**

\_\_\_\_\_  
/s/  
ROSEMARY M. COLLYER  
United States District Judge